

AFFIDAVIT OF SERVICE

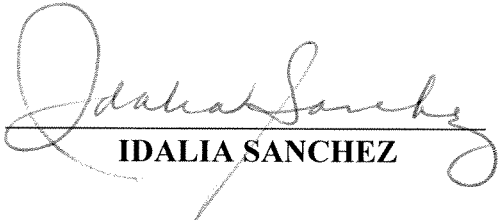
STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

Idalia Sanchez, being duly sworn, deposes and says:

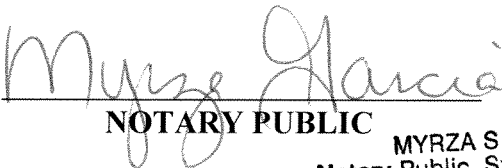
Deponent is not a party to the action, is over 18 years of age and is employed by HEIDELL, PITTONI, MURPHY & BACH, LLP.

On **July 18, 2008** deponent served the within, **MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS THE COMPLAINT PURSUANT TO F.R.C.P. RULE 12(b)(6)** upon the following attorneys at the addresses designated by said attorneys for that purpose by delivering a true copy of same enclosed and in a postage-paid properly addressed wrapper in an official depository under the exclusive care and custody of the **U.S. Postal Service** within New York State, addressed to the addressee(s) indicated below:

To: Benjamin W. Mitchell, Jr.
#07-A-5226
Plaintiff, *Pro se*
Upstate Correctional Facility
P.O. Box 2001
309 Bare Hill Road
Malone, New York 12953


IDALIA SANCHEZ

18th Sworn to before me this
day of July, 2008


NOTARY PUBLIC

MYRZA S. GARCIA
Notary Public, State of New York
No. 01GA4935570
Qualified in Bronx County
Commission Expires Dec. 12, 2010